

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TODA et al.

Appln. No. 10/784,209

Filed: February 24, 2004

Confirmation No. 9241

Atty. Ref.: 1035-494

T.C. / Art Unit: 1651

Examiner: K.D. Ware

FOR: DRUG AND MANUFACTURING METHOD OF SAME

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TERMINAL DISCLAIMER

September 11, 2006

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your petitioner, TFK Inc., a corporation having an office and place of business at 2-25-D410, Wadayamadori 1-chome, Hyogo-ku, Kobe-shi, Hyogo, Japan 652-0884 represents that it is the assignee as recorded by assignment in the Patent and Trademark Office at Reel 015020/Frame 0418 of all right, title, and interest in and to Application Serial No. 10/784,209, filed February 24, 2004, for the invention entitled DRUG AND MANUFACTURING METHOD OF SAME.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,797,279 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to Patent No. 6,797,279, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns. TFK Inc. is also the assignee by chain of title as recorded in the Patent and Trademark Office at Reel 012501/Frame 0800 and Reel 015564/Frame 0976 of all right, title, and interest in and to Patent No. 6,797,279.

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Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,797,279 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

Recordation of the evidentiary documents referred to above have been reviewed by the undersigned and it is certified that to the best of his knowledge and belief, title is in the assignee seeking to take action.

The undersigned is an attorney or agent of record. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


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The terminal disclaimer fee under 37 C.F.R. § 1.20(d) is attached. If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.